

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN VILLEGAS,

Defendant.

DECISION AND ORDER
15-CR-88-A

This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1) for the conduct or pretrial proceedings. On December 7, 2016, Magistrate Judge Schroeder filed a Report and Recommendation (Dkt. No. 48), recommending that defendant Villegas' motion to suppress evidence (Dkt. No. 15) be denied.

After having been granted numerous adjournments of the time to object to the Report and Recommendation, on June 29, 2017, defendant Villegas filed objections. Dkt. No. 79. The United States filed a timely response. Dkt. No. 81. Oral argument was adjourned at the request of the parties until February 7, 2018, and the matter was deemed submitted after the parties' appearances on that date.

Pursuant to 28 U.S.C. §636(b)(1), this Court makes a *de novo* determination of those portions of the Report and Recommendation to which objections have been made. Upon *de novo* review, and after reviewing the submissions from the parties, the Court hereby adopts Magistrate Judge Schroeder's findings and conclusions. Accordingly, for the reasons set forth in Magistrate Judge

Schroeder's Report and Recommendation, defendant Villegas' motion to suppress (Dkt. No. 15) is denied.

At the request of counsel for the parties, a change of plea is scheduled for March 21, 2018, at 9:30 a.m.

IT IS SO ORDERED.

Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: February 8, 2018